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## **MANAGEMENT SCHEME FOR THE ESSEX ESTUARIES EUROPEAN MARINE SITE**

### **1 SUMMARY**

- 1.1 To consider the report of the Head of Planning Services, which requests the adoption of the Management Scheme, as part of the Council's responsibilities as a Relevant Authority for the site. A map showing the extent of the marine site is included in Appendix A to this report.
- 1.2 Regulation 34(1) of the Habitats Regulations 1994<sup>1</sup> enables relevant Authorities to establish Management Schemes for European marine sites. Government guidance makes it clear that for most European marine sites Management Schemes will be necessary.
- 1.3 Regulation 34(1) also states that where Management Schemes exist relevant Authorities are obliged to exercise their functions as set out in the schemes to comply with the requirements of the Habitats Directive. Regulation 34(2) states that there should be only one Management Scheme for a European marine site.

### **2 INTRODUCTION**

- 2.1 Officers have been attending regular meetings with other relevant (also known as competent) Authorities to prepare the Management Strategy for this site. The results of this, has been the preparation of the Management Strategy, which it is hoped all relevant Authorities will adopt.
- 2.2 The Habitats Regulations (1994)<sup>1</sup> make it clear that relevant Authorities should prepare a Management Scheme. The Essex Estuaries European marine site is one of the largest and most complex in the UK and there is no doubt that a Management Scheme is required.
- 2.3 Regulation 33(3) states that where competent Authorities have functions, which potentially impact upon marine conservation, they are legally bound to exercise the powers and duties that they use to carry out those functions in a way that is compliant with the requirements of the Habitats Directive.
- 2.4 Where these powers or duties relate to consents, authorisations, licences and permissions, specific procedures are set out in Regulations 48 to 53, which must be followed in order to comply with the law. These are set out in the Office of the Deputy Prime Minister Planning Policy Guidance Note No. 9<sup>2</sup>.

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<sup>1</sup> Statutory Instrument 1994 No. 2716 The Conservation (Natural Habitats, &c.) Regulations 1994 [HMSO]

<sup>2</sup> Planning Policy Guidance Note 9 – Nature Conservation [ODPM]

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- 2.5 Where there is a Management Scheme in place each relevant Authority is required to implement those actions identified in the scheme which fall within its remit (Regulation 34(1)).
- 2.6 The Management Group, comprising relevant Authorities for the Essex Estuaries European marine site, has jointly agreed the actions contained within the Management Scheme. These actions have been identified through a lengthy process of analysis and consultation. English Nature has a duty, under the Habitats Regulations (Regulation 33(2))<sup>1</sup>, to provide statutory conservation advice for the site.
- 2.7 It is this advice that forms the basis for an assessment of the management requirements of the site. The citations for the site, which are essentially the reasons for designating it, identify the most important conservation features present against a reference list of conservation features (habitats and species) of European importance.
- 2.8 A copy of the Management Strategy is shown in Appendix A.

### 3 RISK IMPLICATIONS

#### 3.1 Resource Risk

The Management Strategy identifies in its Action Plan areas of work, in which the Council will be involved. These generally relate to areas of work where there is an existing commitment or statutory responsibility. The following identifies the Council's relevant action points from the plan. Those underlined are new tasks, not currently planned for, those in **bold** are already planned or expected and those in *italics* are minor items.

- Research into the effect of wave action on saltmarsh;
- *Assess the need for strategic plans for leisure boating and prepare as necessary;*
- **Engage in Flood Management Strategy and Shoreline Management Plan processes;**
- **Incorporate suitable outcomes in the Rochford District Local Plan or Local Development Framework;**
- **Investigate and take action to ensure compliance where breaches of controls for which the Council is responsible (e.g. Planning Enforcement) occur; and**
- **Preparation of a Local Information System.**

#### 3.2 Regulatory Risk

Paragraphs 2.3 and 2.4 set out the regulatory framework. Therefore failure to adhere to the framework is a regulatory risk.

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**4 ENVIRONMENTAL IMPLICATIONS**

- 4.1 There are significant environmental implications from this action. The Management Scheme seeks to ensure that the site is managed appropriately and that compliance with the Habitats Regulations (1994)<sup>1</sup> is achieved.

**5 FINANCIAL IMPLICATIONS**

- 5.1 There are no direct financial implications arising from the adoption of the strategy. The primary responsibility for funding the action plan rests with English Nature.

**6 LEGAL IMPLICATIONS**

- 6.1 The legal implications are stated in paragraphs 2.3 and 2.4.

**7 RECOMMENDATION**

- 7.1 It is proposed that the Committee **RESOLVES**
- (1) That the proposed Management Scheme for the Essex Estuaries European Marine Site be adopted.
  - (2) That authority be delegated to the Head of Planning Services to approve minor amendments to the Management Scheme for the Essex Estuaries European Marine Site following consultation with other Authorities, subject to no detriment to the Council's interests, to maintain the accuracy of the published Management Scheme.

Shaun Scrutton

Head of Planning Services

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**Background Papers:**

- The Management Scheme for the Essex Estuaries European Marine Site (Appendix A).
- Planning Policy Guidance Note 9 – Nature Conservation .

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- Statutory Instrument 1994 No. 2716 The Conservation (Natural Habitats, &c.) Regulations 1994.

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